

MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC# 005-2016

LETTER TO COMMISSION

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 6, 2016

SUBJECT: **Polystyrene Coolers & Food Service Article Enforcement Status Update**

The following information is provided in response to several recent inquiries about the restrictions on the sale and use of polystyrene in the City of Miami Beach.

BACKGROUND

On September 2, 2015, the expanded polystyrene sale and use restrictions ordinance was adopted. This ordinance provides for an enforcement grace period until November 13, 2015 for coolers and ice chests only and a grace period until September 16, 2016 for all other expanded polystyrene food service articles. The City may issue written warnings from March 2016 through September 15, 2016 for violations of the ordinance related to polystyrene food service articles. As of September 16, 2016, the City may fully enforce the provisions of the ordinance.

ANALYSIS

Enforcement for coolers and ice chests on the beach under CMB ordinance 46-92 (Litter ordinance) has been on-going since 2012. To date, Code Compliance staff has issued:

- 22 NOVs for the use of Styrofoam coolers in 2012;
- 216 NOVs for the use of Styrofoam coolers in 2013;
- 651 NOVs for the use of Styrofoam coolers in 2014; and,
- 797 NOVs for the use of Styrofoam coolers in 2015

In July 2014, Coca-Cola donated 1,000 reusable coolers to be used for the City's cooler swap campaign. Code Compliance, the Police Department, Environmental Division, and a number of community groups distributed these reusable coolers during 2014 and 2015. This program has been extremely successful as it provides enforcement and educational personnel an opportunity to directly engage with beachgoers and begin to change behaviors. In the fall of 2015, an additional 1,000 coolers were secured through our Coca-Cola partnership and our Police Department has begun distribution during busy weekends. The next cooler swap will take place over Martin Luther King weekend.

Outreach to date has included enforcement, cooler swaps, social media, the City's website, MB Magazine, and PSAs on MBTV. Over the upcoming months we plan to engage in more outreach and awareness with cooler swaps and through a push on social media and traditional media as

we near the end of the September 15 grace period. We will also ask our partners in the Chamber of Commerce and the Hotel Association to assist with the educational campaign.

According to Finance Department business tax receipt records (BTRs) there are 1,253 locations that may sell these products in Miami Beach. Since BTRs are generally renewed in January individual official letters from the city and individual site visits have been planned commencing the week of January 11, 2016. During this visit a code compliance officer will provide the business with another copy of the letter detailing restrictions and fines (a letter will also be mailed); will inspect the business; will issue NOVs for coolers and warnings for other products. With 29 code compliance officers we estimate this door to door effort will take approximately 8 weeks.

Code Compliance staff has been trained on the restrictions of polystyrene and will be providing the same training to park rangers and parks staff in order to further enhance our messaging and enforcement to the community.

CONCLUSION

Expanded polystyrene is often used as an inexpensive option for take-out restaurants, picnics and parties. In order for our new ban to be successful, we will need to change the culture and behavior of our businesses, residents and daily visitors. A change in culture does not happen immediately and takes time and effort. Through our multifaceted campaign we have begun this process and will continue to raise awareness that will lead to a behavioral change in order to reach our goal of becoming a polystyrene free city.



SMT/HDC/ESW